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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,245	12/15/2003	Tod A. Kinsley	200309606-1	6437

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/736,245	KINSLEY ET AL.	
	Examiner	Art Unit	
	Leslie A. Nicholson III	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/31/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 3-6,9,11,12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. This is a FINAL action on the merits of application 10/736245.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsuyama USP 6,848,685.

Katsuyama discloses:

Regarding claim 14, a similar damper comprising:

- a non-fluidic member (71) having a generally concave contact surface, the member being made of an elastomeric material (fig.9,12) (C7/L14-17, C9/L61-63)
- a securing mechanism (74) configured for mounting the damper on a printer frame so that the contact surface is positioned for frictional engagement with the media tray between a first position and a second position relative to the printer frame (C9/L53-67, C10/L1-10)

Regarding claim 15, wherein

- the non-fluidic member has no moving parts (the member itself is only one part)

Regarding claim 16, a similar media handling device comprising:

- means (21,22) for enabling pivotal movement of a media tray relative to a frame of the media handling device
- means (71), separate from the means for enabling pivotal movement; for frictionally engaging the media tray via an elastomeric contact surface to control the velocity of pivotal movement of the media tray relative to the frame (fig.4,5,9,12) (C9/L53-67, C10/L1-10)

Regarding claim 17, the means for frictionally engaging comprises:

- a non-fluidic damper (71) disposed on the frame adjacent the means for pivotal movement to enable the non-fluidic damper to engage a portion of the media tray during pivotal movement of the media tray relative to the frame (fig.4,5,9,12) (C9/L53-67, C10/L1-10)

Regarding claim 18, the media handling device comprising:

- at least one of a printer, a photocopier, a facsimile machine, or a multifunction printer (title)

Regarding claim 19, a method of controlling motion of a media tray of a printer, the method comprising:

- mounting the media tray for pivotal movement relative to a frame of the printer frame between a first position and a second position (fig.3,4)
- dampening the pivotal movement with frictional engagement between the media tray and the frame of the printer (C9/L53-67, C10/L1-10)

Regarding claim 20, wherein dampening the pivotal movement comprises:

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- positioning a portion of the media tray to be in sliding contact with a concave curved surface associated with the frame of the printer (fig.9,12) (C9/L53-67, C10/L1-10)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Yen
USP 6,382,617.

Yen discloses a similar method of controlling motion of a media tray of a printer comprising:

Regarding claim 19,

- mounting the media tray (12,14) for pivotal movement relative to a frame of the printer frame between a first position and a second position (fig.3)
- dampening the pivotal movement with frictional engagement between the media tray and the frame of the printer (C4/L45-64)

Regarding claim 20, wherein dampening the pivotal movement comprises:

- positioning a portion of the media tray to be in sliding contact with a concave curved surface (134) associated with the frame of the printer (fig.3)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1,2,7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama USP 6,848,685 in view of Takahashi USP 6,595,514 and in further view of Kobayashi USPub 2003/0044594.

Katsuyama discloses a similar media handling device comprising:

Regarding claim 1,

- a frame (2)
- a media tray (20) mountable to the frame
- a finger portion (24) protruding from an end of the media tray (fig.7)
- a damper disposed on the frame and including a contact portion shaped for maintaining frictional engagement with the finger portion of the media tray (C9/L53-67, C10/L1-10), wherein at least the contact portion of the damper is made from an elastomeric material (C7/L8-17)

Katsuyama does not expressly disclose the finger portion made from a thermoplastic material.

Takayashi teaches the media tray made of a hard resin (C4/L65-67) but does not expressly disclose the media tray made of a thermoplastic material.

Kobayashi teaches resin having the properties of a thermoplastic for the purpose of using a material with excellent heat insulation, flexibility, floatability, and moldability (P1/¶0002).

At the time of invention it would have been obvious to one having ordinary skill in the art to have used resin, as taught by Takayashi, having the properties of a thermoplastic, as taught by Kobayashi, in the device of Katsuyama, for the purpose of using a material with excellent heat insulation, flexibility, floatability, and moldability.

Regarding claim 2, Katsuyama discloses the damper comprising a non-fluidic member configured to impart a controlled sliding motion of the media tray between the first and second position (C7/L18-22).

Regarding claim 7, Katsuyama discloses the damper comprising a curved contact portion adapted to slidably receive the finger portion of the media tray wherein the damper is positioned on the frame adjacent the point of pivoting mounting between the media tray and the frame to maintain frictional engagement between the finger portion of the media tray and the damper (fig.7) (C9/L53-67, C10/L1-10).

Regarding claim 13, Katsuyama discloses at least one of a printer, a photocopier, a facsimile machine, or a multifunction printer (title).

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8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen USP 6,382,617 in view of Joyce USP 5,626,225 and in further view of Winberg USP 6,026,776.

Yen discloses a similar media handling device comprising:

- a frame (11)
- a media tray (14,12) mountable to the frame
- a finger portion (143) protruding from an end of the media tray
- a damper disposed on the frame and including a contact portion shaped for maintaining frictional engagement with the finger portion of the media tray

Yen does not expressly disclose the finger portion of the media tray made from a thermoplastic material, nor does Yen disclose the damper made from an elastomeric material.

Joyce teaches a thermoplastic tray (10) (abstract) for the purpose of using a material that is flexible but strong at room temperature.

At the time of invention it would have been obvious to one having ordinary skill in the art to have used a thermoplastic material for the media tray, as taught by Joyce, and therefore the finger as well, in the device of Yen, for the purpose of using a material that is flexible but strong at room temperature.

Winberg teaches a damper made from an elastomeric material for the purpose of using a material where when subjected to vibrations and impulses, converts much of the energy to heat.

At the time of invention it would have been obvious to one having ordinary skill in the art to have used a damper made from an elastomeric material, as taught by Winberg, in the device of Yen, for the purpose of using a material where when subjected to vibrations and impulses, converts much of the energy to heat.

Regarding claim 2, Yen discloses the damper comprising a non-fluidic member configured to impart a controlled sliding motion of the media tray between the first and second position (C4/L45-64).

Regarding claim 7, Yen discloses the damper comprising a curved contact portion adapted to slidably receive the finger portion of the media tray wherein the damper is positioned on the frame adjacent the point of pivoting mounting between the media tray and the frame to maintain frictional engagement between the finger portion of the media tray and the damper (fig.3) (C4/L45-64).

Regarding claim 8, Yen discloses the finger portion having a length substantially the same as a distance between the point of pivotal mounting and the curved contact surface of the damper (fig.3).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi USP 6,595,514 in view of Katsuyama USP 6,848,685.

Takahashi discloses a similar media handling device comprising:

- a frame (2) comprising a pair of first protrusions (5) with each first protrusion disposed on opposite sides of the (fig.4)
- a media tray (3) mountable to the frame via the first protrusions for pivotal

movement between a first position and a second position relative to the frame

Takahashi does not expressly disclose at least one second protrusion positioned adjacent one of the first protrusions of the frame nor does Takahashi disclose a damper configured for maintaining frictional engagement with the media tray and including a slot configured for removably, slidably mounting the damper on the at least one second protrusion of the frame.

Katsuyama teaches at least one second protrusion (22) positioned adjacent one of the first protrusions of the frame (fig.3,4) (C3/L52-60) and a damper (71) configured for maintaining frictional engagement with the media tray and including a slot configured for removably, slidably mounting the damper on the at least one second protrusion of the frame for the purpose of regulating angular movement of the media tray (C7/L18-22).

At the time of invention it would have been obvious to one having ordinary skill in the art to implement a damper configured for maintaining frictional engagement with the media tray and including a slot configured for removably, slidably mounting the damper on the at least one second protrusion of the frame, as taught by Katsuyama, in the device of Takahashi, for the purpose of regulating angular movement of the media tray.

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10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi USP 6,595,514 in view of Katsuyama USP 6,848,685 in further view of Kobayashi USPub 2003/0044594.

Takahashi discloses all the limitations of the claim (see ¶9) the media tray made of a hard resin (C4/L65-67) but does not expressly disclose the media tray made of a thermoplastic material. Katsuyama discloses the damper made of an elastomer material (C7/L8-17).

Kobayashi teaches resin having the properties of a thermoplastic for the purpose of using a material with excellent heat insulation, flexibility, floatability, and moldability (P1/¶0002).

At the time of invention it would have been obvious to one having ordinary skill in the art to have used resin having the properties of a thermoplastic, as taught by Kobayashi, in the device of Takahashi, for the purpose of using a material with excellent heat insulation, flexibility, floatability, and moldability.

Allowable Subject Matter

11. Claims 3-6,9, and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the drawing objection made in the first office action, the office has not received corrected drawings. Therefore, the objection to the drawings stands.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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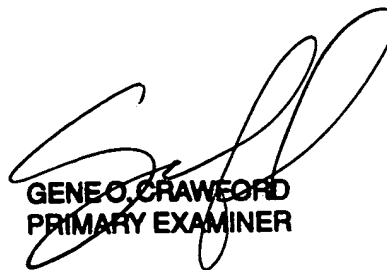
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
9/22/2005


GENE O. CRAWFORD
PRIMARY EXAMINER